

AMENDED IN ASSEMBLY JUNE 10, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE MAY 5, 2014

AMENDED IN SENATE MARCH 12, 2014

## SENATE BILL

**No. 844**

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### **Introduced by Senator Pavley**

**(Coauthors: Senators Anderson, Block, Correa, De León,  
DeSaulnier, Hancock, Leno, and Padilla)**

(Coauthors: Assembly Members Dickinson, Garcia, and Wieckowski)

January 8, 2014

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An act to amend Sections 9082.7, 9084, and 9086 of the Elections Code, and to amend Sections 88001 and 88002 of, *and to add Section 12173.5 to*, the Government Code, relating to elections.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 844, as amended, Pavley. Elections: ballot measure contributions.

Existing law requires each campaign committee formed or existing primarily to support or oppose a statewide ballot measure to file with the Secretary of State periodic reports identifying the sources and amounts of contributions received during specified periods. Existing law, including the Political Reform Act of 1974, also specifies information required to be included in the statewide ballot pamphlet for each statewide ballot measure to be voted upon.

~~This bill would require the Secretary of State to create an Internet Web site, or use other available technology, to consolidate information about each ballot measure in a manner that is easy for voters to access and understand. The Internet Web site would be required to include a summary of each ballot measure, a list of each committee primarily~~

formed to support or oppose a ballot measure, and a list of a committee's top 10 contributors, as specified. The bill would require the statewide ballot pamphlet to include a printed statement that refers voters to the Secretary of State's Internet Web site for a list of committees primarily formed to support or oppose a ballot measure, and information on how to access the committee's top ten contributors.

*This bill would require the Secretary of State to post on his or her Internet Web site, for each statewide ballot measure, lists of the 10 highest contributors of \$50,000 or more who have made the largest cumulative amount of contributions to all campaign committees collectively that are formed or existing primarily to support or oppose that ballot measure. The bill would require the Secretary of State to update each list of contributors at specified intervals up until 2 business days before the election and to post a final version of each list by a specified date after the election. In addition, the bill would require the statewide ballot pamphlet to include a printed statement that refers voters to the Secretary of State's Internet Web site for the above-described lists of contributors. The bill would authorize the Secretary of State to adopt guidelines, regulations, or policies, as specified.*

The Political Reform Act of 1974, an initiative measure, generally provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements. The act also provides that, notwithstanding this requirement, the Legislature may add to the ballot pamphlet information regarding candidates or other information.

This bill, which would permit or require additional information to be included in the ballot pamphlet, would therefore require a majority vote.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     ~~SECTION 1. Section 9082.7 of the Elections Code is amended~~
- 2     ~~to read:~~
- 3     ~~9082.7. (a) The Secretary of State shall make available the~~
- 4     ~~complete state ballot pamphlet over the Internet.~~
- 5     ~~(b) The Secretary of State shall create an Internet Web site, or~~
- 6     ~~use other available technology, to consolidate information about~~

1 each ballot measure in a manner that is easy for voters to access  
2 and understand. The information shall include all of the following:

3 (1) ~~A summary of the ballot measure's content.~~

4 (2) ~~A list of each committee primarily formed to support or~~  
5 ~~oppose the ballot measure, as described in Section 82047.5 of the~~  
6 ~~Government Code, and a means to access the sources of funding~~  
7 ~~reported for each committee. The sources of funding shall be~~  
8 ~~updated as new information becomes available to the public~~  
9 ~~pursuant to the Political Reform Act of 1974 (Title 9 (commencing~~  
10 ~~with Section 81000) of the Government Code).~~

11 (3) ~~For committees primarily formed to support or oppose a~~  
12 ~~state ballot measure that raise one million dollars (\$1,000,000) or~~  
13 ~~more for an election, the list of the committee's top 10 contributors~~  
14 ~~provided to the Fair Political Practices Commission pursuant to~~  
15 ~~Section 84223 of the Government Code. The Fair Political Practices~~  
16 ~~Commission shall provide top 10 contributor lists, and any~~  
17 ~~subsequent updates to the lists, to the Secretary of State for the~~  
18 ~~purposes of compliance with this section.~~

19 (4) ~~Any other Internet Web site hyperlinks to other relevant~~  
20 ~~information.~~

21 **SEC. 2.**

22 *SECTION 1.* Section 9084 of the Elections Code, as amended  
23 by Section 2 of Chapter 16 of the Statutes of 2014, is amended to  
24 read:

25 9084. The ballot pamphlet shall contain all of the following:

26 (a) A complete copy of each state measure.

27 (b) A copy of the specific constitutional or statutory provision,  
28 if any, that each state measure would repeal or revise.

29 (c) A copy of the arguments and rebuttals for and against each  
30 state measure.

31 (d) A copy of the analysis of each state measure.

32 (e) Tables of contents, indexes, art work, graphics, and other  
33 materials that the Secretary of State determines will make the ballot  
34 pamphlet easier to understand or more useful for the average voter.

35 (f) A notice, conspicuously printed on the cover of the ballot  
36 pamphlet, indicating that additional copies of the ballot pamphlet  
37 will be mailed by the county elections official upon request.

38 (g) A written explanation of the judicial retention procedure as  
39 required by Section 9083.

40 (h) The Voter Bill of Rights pursuant to Section 2300.

~~(i) If the ballot contains an election for a state measure, a printed statement that refers voters to the Secretary of State's Internet Web site for a list of committees primarily formed to support or oppose a ballot measure, and information on how to access the committee's top 10 contributors.~~

*(i) (1) If the ballot contains an election for a state measure, a printed statement that refers voters to the Secretary of State's Internet Web site for information about the 10 highest contributors to primarily formed committees supporting or opposing each state measure, as provided for in Section 12173.5 of the Government Code.*

*(2) The printed statement required by paragraph (1) shall read substantially similar to the following: "To learn who are the 10 highest contributors to committees supporting or opposing each state measure, access the 'Top 10 Lists' page on the Secretary of State's Internet Web site at [Internet Web site address]."*

(j) If the ballot contains an election for the office of United States Senator, information on candidates for United States Senator. A candidate for United States Senator may purchase the space to place a statement in the state ballot pamphlet that does not exceed 250 words. The statement may not make any reference to any opponent of the candidate. The statement shall be submitted in accordance with timeframes and procedures set forth by the Secretary of State for the preparation of the state ballot pamphlet.

(k) If the ballot contains a question on the confirmation or retention of a justice of the Supreme Court, information on justices of the Supreme Court who are subject to confirmation or retention.

(l) If the ballot contains an election for the offices of President and Vice President of the United States, a notice that refers voters to the Secretary of State's Internet Web site for information about candidates for the offices of President and Vice President of the United States.

(m) A written explanation of the appropriate election procedures for party-nominated, voter-nominated, and nonpartisan offices as required by Section 9083.5.

(n) A written explanation of the top 10 contributor lists required by Section 84223 of the Government Code, including a description of the Internet Web sites where those lists are available to the public.

1 ~~SEC. 3.~~

2 *SEC. 2.* Section 9086 of the Elections Code is amended to read:

3 9086. The ballot pamphlet shall contain as to each state measure  
4 to be voted upon, the following, in the order set forth in this  
5 section:

6 (a) (1) Upon the top portion of the first page, and not exceeding  
7 one-third of the page, shall appear:

8 (A) Identification of the measure by number and title.

9 (B) The official summary prepared by the Attorney General.

10 (C) The total number of votes cast for and against the measure  
11 in both the State Senate and Assembly, if the measure was passed  
12 by the Legislature.

13 (2) The space in the title and summary that is used for an  
14 explanatory table prepared pursuant to paragraph (2) of subdivision  
15 (e) of Section 9087 and Section 88003 of the Government Code  
16 shall not be included when measuring the amount of space the  
17 information described in paragraph (1) has taken for purposes of  
18 determining compliance with the restriction prohibiting the  
19 information described in paragraph (1) from exceeding one-third  
20 of the page.

21 (b) Beginning at the top of the right page shall appear the  
22 analysis prepared by the Legislative Analyst, provided that the  
23 analysis fits on a single page. If it does not fit on a single page,  
24 the analysis shall begin on the lower portion of the first left page  
25 and shall continue on subsequent pages until it is completed.

26 ~~(c) Immediately below the analysis prepared by the Legislative~~  
27 ~~Analyst shall appear a printed statement that refers voters to the~~  
28 ~~Secretary of State's Internet Web site for a list of committees~~  
29 ~~primarily formed to support or oppose a ballot measure, and~~  
30 ~~information on how to access the committee's top 10 contributors.~~

31 *(c) Immediately below the analysis prepared by the Legislative*  
32 *Analyst shall appear the printed statement that refers voters to the*  
33 *Secretary of State's Internet Web site for information about the*  
34 *10 highest contributors to primarily formed committees supporting*  
35 *or opposing each state measure, as described in subdivision (i) of*  
36 *Section 9084.*

37 (d) Arguments for and against the measure shall be placed on  
38 the next left and right pages, respectively, following the final page  
39 of the analysis of the Legislative Analyst. The rebuttals shall be  
40 placed immediately below the arguments.

1 (e) If no argument against the measure has been submitted, the  
2 argument for the measure shall appear on the right page facing the  
3 analysis.

4 (f) The complete text of each measure shall appear at the back  
5 of the pamphlet. The text of the measure shall contain the  
6 provisions of the proposed measure and the existing provisions of  
7 law repealed or revised by the measure. The provisions of the  
8 proposed measure differing from the existing provisions of law  
9 affected shall be distinguished in print, so as to facilitate  
10 comparison.

11 (g) The following statement shall be printed at the bottom of  
12 each page where arguments appear: "Arguments printed on this  
13 page are the opinions of the authors, and have not been checked  
14 for accuracy by any official agency."

15 *SEC. 3. Section 12173.5 is added to the Government Code, to*  
16 *read:*

17 *12173.5. (a) (1) The Secretary of State shall post on his or*  
18 *her Internet Web site, on a page entitled "Top 10 Lists," both of*  
19 *the following for each statewide ballot measure:*

20 *(A) A list of the 10 highest contributors of fifty thousand dollars*  
21 *(\$50,000) or more who have made the largest cumulative amount*  
22 *of contributions to all primarily formed committees collectively*  
23 *that are supporting the measure.*

24 *(B) A list of the 10 highest contributors of fifty thousand dollars*  
25 *(\$50,000) or more who have made the largest cumulative amount*  
26 *of contributions to all primarily formed committees collectively*  
27 *that are opposing the measure.*

28 *(2) Each list required by paragraph (1) shall identify the names*  
29 *of the 10 contributors who have made the largest cumulative*  
30 *contributions to the committee, the total amount of each*  
31 *contributor's contributions, the employer and occupation of the*  
32 *contributor, if any, the city and state of the contributor, and the*  
33 *contributor's committee identification number, if any.*

34 *(3) Each list required by paragraph (1) shall be in order from*  
35 *the contributor who made the largest cumulative amount of*  
36 *contributions to the contributor who made the smallest cumulative*  
37 *amount of contributions. If two or more contributors made an*  
38 *equal amount of contributions, those contributors shall be listed*  
39 *in alphabetical order.*

1     (4) Each list required by paragraph (1) shall reflect the  
2     cumulative amount of contributions received by primarily formed  
3     committees beginning 12 months before the date each committee  
4     made its first expenditure to qualify, support, or oppose the  
5     measure.

6     (5) If a contributor is a committee controlled by a candidate,  
7     as defined in Section 82016, the name of the candidate shall be  
8     listed.

9     (6) If a contributor is a sponsored committee, as defined in  
10    Section 82048.7, the name of the sponsor shall be listed.

11    (b) The Secretary of State shall make reasonable efforts to  
12    ensure that each list required by subdivision (a) does all of the  
13    following:

14    (1) Excludes any transfer of funds between two or more  
15    primarily formed committees for or against the same statewide  
16    ballot measure in order to prevent counting the funds more than  
17    once.

18    (2) Treats a contribution that is made to a primarily formed  
19    committee that supports or opposes more than one statewide ballot  
20    measure as if the contribution was made in connection with each  
21    statewide ballot measure the committee supports or opposes.

22    (3) Marks the name of a contributor with an asterisk if the  
23    contributor made a contribution to a primarily formed committee  
24    that supports or opposes more than one statewide ballot measure.

25    (4) Includes, beyond the 10 highest contributors of fifty thousand  
26    dollars (\$50,000) or more, an additional contributor of fifty  
27    thousand dollars (\$50,000) or more for each contributor to a  
28    primarily formed committee that supports or opposes more than  
29    one statewide ballot measure. For each contributor whose name  
30    is marked by an asterisk pursuant to paragraph (3), the list shall  
31    be expanded to include the next highest contributor of fifty  
32    thousand dollars (\$50,000) or more.

33    (5) Includes a statement substantially similar to the following:  
34    “Note: A contributor whose name is marked by an asterisk made  
35    a contribution to a committee that simultaneously supported or  
36    opposed more than one statewide ballot measure on the [Month]  
37    [Day], [Year] ballot. In these cases, it is not possible to determine  
38    the amount of the contribution that was spent specifically on the  
39    campaign for any particular measure.”

1 (c) The Secretary of State shall update each list required by  
2 subdivision (a) within five business days after the campaign  
3 statement deadlines provided for in Section 84202.3, and within  
4 five business days after any late contribution report filed pursuant  
5 to Section 84203 if the information in the report affects the lists  
6 required by subdivision (a). During the 16 days before the election  
7 for each statewide ballot measure, each list required by subdivision  
8 (a) shall be updated every 48 hours to include new contributions,  
9 with a final update two business days before the election.

10 (d) The Secretary of State shall, within 10 business days after  
11 the January 31 filing deadline provided for in subdivision (a) of  
12 Section 84200, post a final version of each list required by  
13 subdivision (a) for any statewide ballot measure voted on in the  
14 previous calendar year.

15 (e) The Secretary of State shall post in a prominent place on  
16 the homepage of his or her Internet Web site a hyperlink to the  
17 lists required by subdivision (a). The Secretary of State shall  
18 provide in the online version of the statewide ballot pamphlet an  
19 easily accessible hyperlink to the lists required by subdivision (a).

20 (f) The Secretary of State may adopt guidelines, regulations, or  
21 policies necessary to implement this section. Any guidelines,  
22 regulations, or policies adopted pursuant to this subdivision shall  
23 be posted on the Secretary of State's Internet Web site.

24 (g) The definitions set forth in Chapter 2 (commencing with  
25 Section 82000) of Title 9 shall apply to this section.

26 SEC. 4. Section 88001 of the Government Code, as amended  
27 by Section 8 of Chapter 16 of the Statutes of 2014, is amended to  
28 read:

29 88001. The ballot pamphlet shall contain all of the following:

30 (a) A complete copy of each state measure.

31 (b) A copy of the specific constitutional or statutory provision,  
32 if any, that would be repealed or revised by each state measure.

33 (c) A copy of the arguments and rebuttals for and against each  
34 state measure.

35 (d) A copy of the analysis of each state measure.

36 (e) Tables of contents, indexes, art work, graphics, and other  
37 materials that the Secretary of State determines will make the ballot  
38 pamphlet easier to understand or more useful for the average voter.



1 (f) A notice, conspicuously printed on the cover of the ballot  
2 pamphlet, indicating that additional copies of the ballot pamphlet  
3 will be mailed by the county elections official upon request.

4 (g) A written explanation of the judicial retention procedure as  
5 required by Section 9083 of the Elections Code.

6 (h) The Voter Bill of Rights pursuant to Section 2300 of the  
7 Elections Code.

8 ~~(i) If the ballot contains an election for a state measure, a printed~~  
9 ~~statement that refers voters to the Secretary of State's Internet Web~~  
10 ~~site for a list of committees primarily formed to support or oppose~~  
11 ~~a ballot measure, and information on how to access the committee's~~  
12 ~~top 10 contributors.~~

13 *(i) (1) If the ballot contains an election for a state measure, a*  
14 *printed statement that refers voters to the Secretary of State's*  
15 *Internet Web site for information about the 10 highest contributors*  
16 *to primarily formed committees supporting or opposing each state*  
17 *measure, as provided for in Section 12173.5.*

18 *(2) The printed statement required by paragraph (1) shall read*  
19 *substantially similar to the following: "To learn who are the 10*  
20 *highest contributors to committees supporting or opposing each*  
21 *state measure, access the 'Top 10 Lists' page on the Secretary of*  
22 *State's Internet Web site at [Internet Web site address]."*

23 (j) If the ballot contains an election for the office of United  
24 States Senator, information on candidates for United States Senator.  
25 A candidate for United States Senator may purchase the space to  
26 place a statement in the state ballot pamphlet that does not exceed  
27 250 words. The statement may not make any reference to any  
28 opponent of the candidate. The statement shall be submitted in  
29 accordance with timeframes and procedures set forth by the  
30 Secretary of State for the preparation of the state ballot pamphlet.

31 (k) If the ballot contains a question as to the confirmation or  
32 retention of a justice of the Supreme Court, information on justices  
33 of the Supreme Court who are subject to confirmation or retention.

34 (l) If the ballot contains an election for the offices of President  
35 and Vice President of the United States, a notice that refers voters  
36 to the Secretary of State's Internet Web site for information about  
37 candidates for the offices of President and Vice President of the  
38 United States.

1 (m) A written explanation of the appropriate election procedures  
2 for party-nominated, voter-nominated, and nonpartisan offices as  
3 required by Section 9083.5 of the Elections Code.

4 (n) A written explanation of the top 10 contributor lists required  
5 by Section 84223, including a description of the Internet Web sites  
6 where those lists are available to the public.

7 SEC. 5. Section 88002 of the Government Code is amended  
8 to read:

9 88002. The ballot pamphlet shall contain as to each state  
10 measure to be voted upon, the following in the order set forth in  
11 this section:

12 (a) (1) Upon the top portion of the first page and not exceeding  
13 one-third of the page shall appear:

14 (A) The identification of the measure by number and title.

15 (B) The official summary prepared by the Attorney General.

16 (C) The total number of votes cast for and against the measure  
17 in both the State Senate and Assembly if the measure was passed  
18 by the Legislature.

19 (2) The space in the title and summary that is used for an  
20 explanatory table prepared pursuant to paragraph (2) of subdivision  
21 (e) of Section 9087 of the Elections Code and Section 88003 shall  
22 not be included when measuring the amount of space the  
23 information described in paragraph (1) has taken for purposes of  
24 determining compliance with the restriction prohibiting the  
25 information described in paragraph (1) from exceeding one-third  
26 of the page.

27 (b) Beginning at the top of the right page shall appear the  
28 analysis prepared by the Legislative Analyst, provided that the  
29 analysis fits on a single page. If it does not fit on a single page,  
30 then the analysis shall begin on the lower portion of the first left  
31 page and shall continue on subsequent pages until it is completed.

32 ~~(c) Immediately below the analysis prepared by the Legislative~~  
33 ~~Analyst shall appear a printed statement that refers voters to the~~  
34 ~~Secretary of State's Internet Web site for a list of committees~~  
35 ~~primarily formed to support or oppose a ballot measure, and~~  
36 ~~information on how to access the committee's top 10 contributors.~~

37 *(c) Immediately below the analysis prepared by the Legislative*  
38 *Analyst shall appear the printed statement that refers voters to the*  
39 *Secretary of State's Internet Web site for information about the*  
40 *10 highest contributors to primarily formed committees supporting*

1 *or opposing each state measure, as described in subdivision (i) of*  
2 *Section 88001.*

3 (d) Arguments for and against the measure shall be placed on  
4 the next left and right pages, respectively, following the page on  
5 which the analysis of the Legislative Analyst ends. The rebuttals  
6 shall be placed immediately below the arguments.

7 (e) If no argument against the measure has been submitted, the  
8 argument for the measure shall appear on the right page facing the  
9 analysis.

10 (f) The complete text of each measure shall appear at the back  
11 of the pamphlet. The text of the measure shall contain the  
12 provisions of the proposed measure and the existing provisions of  
13 law repealed or revised by the measure. The provisions of the  
14 proposed measure differing from the existing provisions of law  
15 affected shall be distinguished in print, so as to facilitate  
16 comparison.

17 (g) The following statement shall be printed at the bottom of  
18 each page where arguments appear: “Arguments printed on this  
19 page are the opinions of the authors and have not been checked  
20 for accuracy by any official agency.”

21 SEC. 6. The Legislature finds and declares that this act permits  
22 or requires the inclusion of additional information in the ballot  
23 pamphlet in accordance with Section 88007 of the Government  
24 Code.